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by the action of the Cuban House of Representatives which delayed the discussion of the municipal law for three days to enable its committees to hold conferences with the author.

Dr. Carrera y Justiz deplores the concentration of political interest in the central government of the island to the detriment of the local governments. The awakening of neighborhood feeling he considers as essential not only for a system of good city government in the island but even for its internal peace. Spanish and American experience in municipal government he holds should be warnings and not models for Cuba to follow. A system defining a sphere of municipal activity with which the central government could not interfere should be the ideal toward which Cuba should strive. Interesting chapters are presented on The Importance of Suburbs, The Race Question in Cuban Municipalities, The City and the Working Classes, Mutual Aid Societies in Cuba, The Position of Woman in Politics and in City Life, and Universal Suffrage.

Typical of the spirit in which the author writes is his discussion of the part woman can play and should play in our civic life. The activity of the American woman in public art and hygiene and in charity work is especially praised. Dr. Carrera warmly advocates the extension of the right of suffrage to women at least in municipal elections.

As a whole, the volume may be characterized as a very interesting and sympathetic portrayal of the conditions and needs of Cuban local government, written by one with an intimate knowledge of the subject of which he treats.

CHESTER LLOYD JONES.

University of Pennsylvania.

The Constitutional Decisions of John Marshall. Edited, with an introductory essay, by Joseph P. Cotton, Jr. Two vols. Pp. xxxvi, 462, and viii, 464. Price, \$10.00. New York: G. P. Putnam's Sons, 1905.

Professor Burgess has said that the amending clause is the most important part of a written constitution. A constitution may be faulty in its other parts; but if the amending power is properly provided for in the constitution the errors may easily be corrected. Judge Story and others have praised unreservedly the amending clause in the Constitution of the United States. With this view Professor Burgess disagrees. The first twelve amendments were almost contemporaneous with the constitution itself, and really a completion of it. The last three were enacted only as the result of civil war. The conditions which now exist are totally different from those which existed when the constitution was adopted. The corresponding changes required in the constitution have not been made except when the ponderous machinery provided has been put in motion by the hand of revolution. Nothing more is required to show that the amending clause in the Constitution of the United States has been a flat failure. Mr. Hannis Taylor has recently said: "Nothing is more generally admitted in the politics of this country than the fact that any reform is practically hopeless that depends upon the amend-

ment, under normal conditions, of the Constitution of the United States." And yet we are told that the constitution was intended "to live and take effect in all successions of ages,"—that is, to become adapted to all varying conditions and crises through which the state might pass. This it has done, so that to-day it is more firmly established as the fundamental law of the state than in the years immediately following its adoption. How has this result been accomplished? The key to the answer is to be found in the volumes which are the subject of this review.

"The legitimate functions of judge-made law," to borrow the title of Mr. Hannis Taylor's address before the Virginia Bar Association in 1905, are well illustrated in the constitutional decisions of John Marshall. Thus early the power of judicial interpretation was brought into play to adapt the rigid, written Federal constitution to the needs of the growing state. A power of action from which there is no appeal except by impeachment is undoubtedly a dangerous weapon if unwisely wielded. One can scarcely imagine the consequences that might have resulted if an unscrupulous hand had possessed Marshall's power in the early days of the republic. Happily, Marshall possessed the qualities essential to the great office to which President Adams, in 1801, appointed him. The great fame to which Marshall attained has, however, often clouded the judgment of men of later days as to his intellect and powers. It cannot be said that he was less fallible or more learned and sincere than many others of his time. In fact, it is a fortunate circumstance that his decisions had a distinct Federalist coloring—fortunate because he was thus led to the constructive work of making a strong nation out of a weak confederacy. The part that he played in creating a strong national government and in limiting and defining the powers of the commonwealths is, of course, his greatest achievement. But this was accomplished by an interpretation of the constitution, as involved in the cases brought before him, not always the result of unquestionable legal reasoning. In many cases, merely as lawyer, he might have reached an opposite conclusion. At a time when the Federalists had gone out of power, and when many of his decisions were not only strenuously opposed but completely disregarded by a large part of the people, it is difficult to see how he could have conceived himself to be interpreting the will of the people. Wonderful as the fact is, history has justified this claim which has been made for him. His work was, however, quite as much political as judicial. He exercised the prescience of a statesman through the medium of judicial interpretation.

Within the limits of this review, it would be impossible to justify the above general statements by an examination of the particular cases that he decided; and it will not be attempted. More than is necessary has already been said to warrant the statement that a compilation of the constitutional decisions of Marshall is well worth the making. We are told in the editor's preface that the constitutional decisions of Marshall, both in the Supreme Court and on circuit, are now completely collected for the first time. There are thirty-seven cases decided in the Supreme Court and reported in 1-7 Cranch, 1-12 Wheaton, and 1-7 Peters. In addition there are six cases

decided by Marshall on circuit in Virginia, while Chief Justice. These cases are reported in 1-2 Brockenbrough. The cases extend over a period of thirty years. These the editor has arranged chronologically, the decisions in the Circuit Court being placed in an appendix. To each case is prefixed an historical and critical note. The advantages that might have resulted from a subject arrangement of the cases are obtained by references in these notes to allied cases, and by an index to close volume two. The introduction of thirty pages is a critical review of all the decisions. Marshall's prestige has not overawed Mr. Cotton, and he does not hesitate to differ with the great jurist on occasion. Marshall's one dissenting opinion in these volumes—that of *Ogden vs. Saunders*, in which he denied the right of the commonwealths to grant discharges in bankruptcy when the United States had not exercised that right, is held by Mr. Cotton to be in error. In the case of *Gibbons vs. Ogden*, the opinion of Justice Johnson is given at the close of Marshall's opinion. It concurred in the final judgment, but is believed to be the better course of legal reasoning. There are many other instances indicating that the editor has approached his work from an impartial and judicial standpoint.

It seems captious to mention two typographical errors—in volume one, page 255, where "1858" is printed for "1758," and in volume two, page 1, where "1875" appears instead of "1775." The cover of volume two should be labeled "1823-1833" instead of "1823-1830." The volumes are an addition to the series of works of the "Founders of the Republic," published by Putnam. They are uniform in typography and binding with the excellent editions of the writings of Washington, Jefferson, Madison, Monroe and Jay, and are issued for subscribers in a limited edition of 600 numbered copies.

FREDERICK C. HICKS.

Newport, Rhode Island.

Garner, James Wilford, and Lodge, Henry Cabot. *The History of the United States*, with an Historical Review, by John Bach McMaster. Four Vols. Pp. 1881. Price, \$16.00. Philadelphia: John D. Morris & Co., 1906.

This work is a consecutive narrative history of the rise and growth of the United States from the discovery of America to the present time. Much space, possibly too much, is given to recent and current events, a part of volume three and all of volume four being given to the period since the Civil War. Volume I brings the narrative down to the Declaration of Independence; Volume II to the administration of W. H. Harrison, or the period of "Whig Ascendancy." The work abounds in beautiful, carefully selected, and well described illustrations from paintings by the world's most celebrated artists; it also contains a series of colored and outline maps, which show care and accuracy in preparation and which are valuable supplements to the text. Besides the pictures and maps, the illustrations include about one hundred facsimiles, many of which are rare. Another feature of the